

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MARCUS RATLIFF, §  
Plaintiff, §  
§  
§  
§ Civ. No. CC-08-256  
v. §  
§  
RAFAEL MENCHACA, ET AL., §  
Defendants. §

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Plaintiff sues alleging that Defendants wrongfully deprived him of personal property in violation of TDCJ regulations and his due process rights. D.E. 1. The Magistrate Judge recommends dismissing Plaintiff's suit for failure to state a claim, as Plaintiff has not pursued his state court remedies. D.E. 8. Until Plaintiff pursues those remedies, he has failed to properly state a federal constitutional claim upon which this Court can grant relief. *See Hudson v. Palmer*, 468 U.S. 517, 534–35 (1984); *Myers v. Klevenhagen*, 97 F.3d 91, 94 (5th Cir. 1996). Plaintiff has filed objections to this recommendation. D.E. 12. However, the objections merely restate his claims for deprivation of property, and do not show that he has pursued his state court remedies, let alone exhausted them. *Id.* Accordingly, Plaintiff still fails to present a valid federal constitutional claim.

Having reviewed de novo the Magistrate Judge's Memorandum and Recommendation, the pleadings on file, and defendant's objections, the Court accepts the Magistrate Judge's recommended decision.

Accordingly, the Court DISMISSES Plaintiff's claims as frivolous and for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). The Clerk is directed to provide copies of the Magistrate Judge's Memorandum and Recommendation and this Order to the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler Texas, 75702, Attention: Betty Parker, Three-Strikes administrator.

ORDERED this 31 day of Aug,  
2009.

  
HAYDEN HEAD  
CHIEF JUDGE